

## **REMARKS**

The above amendments and these remarks are responsive to the Office action dated September 5, 2008. Claims 1-12 are pending in the application. Claims 1-12 are rejected. Responsive to the Office action, Applicant has amended claims 1, 4, 5, and 8. In view of the amendments above, and the remarks below, Applicant respectfully requests reconsideration of the application under 37 C.F.R. § 1.111 and allowance of the pending claims.

### ***Rejections under 35 USC § 112***

Claims 4 and 8 are rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, the Examiner asserts that the term "heavy" in the phrase "heavy ballast" renders claims 4 and 8 indefinite. Applicants strongly disagree, and have previously shown that the phrase "heavy ballast" would be well-known to a one of ordinary skill in the maritime arts, as the expression has been part of sailing vernacular since at least 1780.

However, in the interest of facilitating the prosecution of the claims, Applicant has amended claims 4 and 8 to remove the term "heavy" from the phrase "heavy ballast". In view of the above amendments, Applicant respectfully requests the withdrawal of the rejection of claims 4 and 8 under 35 U.S.C. § 112, second paragraph.

### ***Rejections under 35 USC § 102***

Claims 1–3, 11, and 12 are rejected under 35 USC § 102(e) as being anticipated by Vatsvag (U.S. Patent Publication No. 2004/0258483 A1).

The Examiner has asserted that the Vatsvag reference discloses each and every element of the rejected claims. Applicants respectfully disagree.

As discussed in their previous response (dated May 13, 2008), the vessel of Vatsvag is not rotated and ballasted, as is recited in the rejected claims, but rather only a frame mounted

on the vessel is pivoted and submerged. The vessel and method of Vatsvag fails to possess the advantages of the presently claimed method, as it remains subject to wave motion, wind and current along its entire waterline, making the task of coupling of the frame to the jacket structure more difficult.

Responsive to Applicant's earlier arguments, the Examiner has reiterated the position that "element 1 of the prior art has been identified as the vessel in the above rejection". That is, pivotable arm 1 of Vatsvag is a "vessel" for the purposes of rejecting the claims. Applicant again suggests that this is an improper application of "vessel", and that it contradicts the teaching of Vatsvag itself. For example, Vatsvag describes barges (for example element 2 of Vatsvag) as "vessels": "Vessels that can be used in connection with a lifting construction or arm according to the invention, can include vessels for drilling, accommodation, barges, semi submersible vessels, vessels for particular purposes, supply vessels, etc." (see para. 0019). One of ordinary skill in the art would be well aware of what constitutes a "vessel" in the context of marine construction, and the lifting arm 1 of Vatsvag would not be considered a vessel.

However, in the interest of facilitating the prosecution of the claims, claim 1 has been amended to recite a "seagoing vessel". Applicant suggests that under no circumstances would arm 1 of Vatsvag be considered a "seagoing vessel" by an observer of ordinary skill in the installation and removal of offshore structures.

Additionally, Applicant has amended claim 1 to specifically recite rotating the entire vessel to bring the main buoyancy section into contact with the jacket structure, and has amended claim 5 to specifically recite a seagoing vessel that is configured so that the entire vessel can be rotated to bring the main section into an approximately vertical condition to be secured to the jacket structure.

Applicant suggests that the barge of Vatsvag is not disclosed as capable of being rotated and partially submerged so as to bring the main buoyancy section of the barge into contact with a jacket structure.

In view of the amendments and remarks above, Applicant suggests that claims 1–3, 11, and 12 are not anticipated by the disclosure of Vatsvag. Therefore, Applicant requests the withdrawal of the rejection of those claims under 35 U.S.C. § 102(e).

***Rejections under 35 USC § 103***

Claims 4–10 are rejected under 35 USC § 103(a) as being unpatentable over Vatsvag (U.S. Patent Publication No. 2004/0258483 A1).

In particular, the Examiner suggests that it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the device disclosed by Vatsvag '483 such that it would additionally include permanent ballast since use of the same is a well known expedient in the art of marine structures and vessels for stabilization.

Further, with regard to claim 5, the Examiner asserts that it would have been obvious to one having ordinary skill in the art at the time of the invention to make the buoyancy section of Vatsvag '483 substantially the shape of an isosceles triangle.

Applicant respectfully disagrees. As discussed above, Applicant suggests that Vatsvag fails to disclose a seagoing vessel capable being rotated and partially submerged so as to bring the main buoyancy section of the seagoing vessel into contact with a jacket structure. Without acquiescing that it would be obvious to alter the buoyancy section of Vatsvag '483 so as to create the shape of an isosceles triangle, Applicant suggests that such a modification would not remedy the deficiencies of the Vatsvag reference.

As the Vatsvag reference fails to disclose every element of the rejected claims, as amended, Applicant respectfully suggest that Vatsvag fails to establish the *prima facie* obviousness of claims 4–10. Applicant therefore respectfully requests the withdrawal of the rejection of claims 4–10 under 35 U.S.C. § 103(a).

Applicant believes that in view of the above amendments and remarks, this application is now in condition for allowance. Accordingly, Applicant respectfully requests that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned agent of record.

CERTIFICATE OF E-FILING

I hereby certify that this correspondence is being transmitted electronically via the United States Patent and Trademark Office EFS-Web System on December 5, 2008.

/ Stephen R. Pendleton /

Stephen R. PENDLETON

Respectfully submitted,

KOLISCH HARTWELL, P.C.

/ Anton E Skaugset /

Anton E. SKAUGSET  
Reg. No. 38,617; Customer No. 23581  
Agent for Applicant(s)/Assignee  
520 S.W. Yamhill Street, Suite 200  
Portland, Oregon 97204  
Tel: (503) 224-6655; Fax: (503) 295-6679